

Remarks/Arguments

The present amendment is submitted to advance the prosecution of the case.

1. This application claims the priority of an Italian application filed 18 March 2003. A certified copy of that application is enclosed herewith together with a formal claim for priority. Acknowledgment of receipt of the priority papers is requested.

2. A Substitute Specification is provided herewith which includes section headings and other formal modifications. The Substitute Specification does not contain any new matter. It is accompanied by a marked-up version showing the changes made. Entry of the Substitute Specification is requested.

3. Claims 41-57 have been amended as to form and are now method claims defining the method in terms of method steps. Applicant reserves the right to amend claims 1-40 as to form should the restriction requirement be withdrawn.

4. Pursuant to the requirement for restriction, applicant provisionally elects the invention classified in Group III to which claims 41-57 are directed.

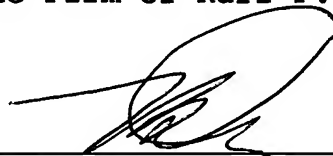
The requirement for restriction is respectfully traversed.

The traverse of this restriction requirement is based upon the fact that, while the claims of Group III are related to the claims of Groups I and II as process and apparatus for its practice, basically the method claims are claims of a method of operating the apparatus which cannot be practiced by either a materially different apparatus or by hand. Indeed, all of the method claims expressly require the apparatus and the initial step of the method is providing that apparatus.

The Examiner has also asserted that the apparatus can be performed by a method that is materially different in that it does not include the preparation step. That step is now defined as providing an apparatus .... . There is no doubt that if an apparatus is used, that apparatus would be provided in accordance with the method claims. It follows, therefore, that since the method claims require the apparatus, the method cannot be performed entirely by hand and must be performed by the apparatus which is referred to in the method claims. That apparatus is indeed the apparatus of the Group I and Group II claims.

Since the restriction requirement is therefore inappropriate, it is requested that it be withdrawn and an action issued on the merits of all of the claims of the case.

Respectfully submitted,  
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Enclosures: Transmittal form with  
Italian priority papers  
Substitute Specification  
Marked-up version of original spec.